

## REMARKS

The comments of the Applicant below are each preceded by related comments of the Examiner (in small, bold type).

**2. Claims 1-21, 24, 30, 32, 38, 40, 44 and 46-50 rejected under 35 U.S.C. 102(b) as being anticipated by Grube et al. (5,583,869).**

**Regarding claims 1, 8, 15, 40, and 44 Grube et al. disclose an apparatus for allocating channels, comprising:**

**a memory that stores executable instruction signals (see figure 1, central controller, which contain executable instructions)**

**a processor that executes the instruction signals to (see figure 1, central controller, contains a processor that executes instructions)**

**receiving wireless messages that are in compliance with wireless communication standards, at least some of the different wireless messages compiling with different wireless communication standards (see col. 2-3, lines 65-4, the apparatus, receive messages and monitor to determine a system grade, in compliance with wireless communication system, see figure 1, wireless communication,)**

**determine the wireless communication standard used by the received first and second wireless message (see col. 3, lines 1-4, determine a system grade of service, based on received message, see also col. 4, lines 20-23, message type, communication standard known )**

**determine available channels (see col. 4, lines 30-32, determines the number of available communication resources); and**

**dynamically allocate channels based on the available channels and the wireless communication standards used by the received first and second message to utilize wireless spectrum according to a current usage pattern (see col. 4, lines 16-42, dynamic allocation of the wireless resources, based on the system grade and availability( current usage pattern)).**

Grube does not describe and would not have made obvious dynamically allocating channels based on the wireless communication standards used by the received messages, "at least some of the wireless messages complying with a first wireless communication standard and at least some of the wireless messages complying with a second wireless communication standard that is different from the first wireless communication standard," as recited in amended claim 1.

Grube discloses time division multiplexed (TDM) wireless communication systems that dynamically allocate wireless communication resources, i.e., time slots (col. 1, lines 7-11 and 20-22). Grube disclose determining a system grade of service for messages, and allocating wireless communication resources based on the system grades of service (col. 2, line 66 to col. 3, line 4). Grube's system allows transmission of different message types, and different types of messages

may be allocated different number of time slots (col. 4, lines 16-29). However, different “system grades of service” as disclosed in Grube do not correspond to the different “wireless communication standards” as recited in claim 1. In Grube, even if different messages receive different system grades of service, the messages still comply with the same communication standard, namely, TDM standard.

Grube does not disclose or suggest messages that comply with different communication standards, nor does Grube disclose or suggest dynamically allocating channels based on the wireless communication standards used by the received messages. The allocation of time slots as disclosed in Grube has nothing to do with differences in the communication standards of the received messages. Transmitting messages using different grades of service, as disclosed in Grube (col. 3, lines 1-4), merely means that different types of messages are allocated different number of time slots (col. 4, lines 16-29).

Claim 1 is patentable for at least the above reasons.

Claim 8, 15, 40, and 44 are patentable for at least similar reasons as those applied to claim 1.

Regarding new claims 52, 54, and 56 - 58, Applicant notes that Grube discloses the TDM standard and does not disclose another wireless communication standard, such as GPRS, H.323, AMPS, GSM, CDMA, EDGE, or WCDMA. Burke discloses that communications paths 4, 6, and 8 may consist of wireless or wireline communications media such as, but not limited to, telephone lines, twisted pair wire, fiber-optic links, infrared channels, and radio frequency channels (col. 3, lines 50 – 54). However, Burke does not disclose or suggest first and second wireless communication standards that are selected from the group consisting of time division multiple access (TDMA), general packet radio service (GPRS), H.323, advance mobile phone service (AMPS), global system for mobile communications (GSM), code division multiple access (CDMA), enhanced data rates for GSM evolution (EDGE) and wideband code division multiple access (WCDMA). Therefore, claims 52, 54, and 56 – 58 are patentable over Grube and Burke.

Canceled claims have been canceled without prejudice.

All of the dependent claims are patentable for at least the same reasons as those applied to the claims on which they depend.

Any circumstance in which the applicant has addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner. Any circumstance in which the applicant has made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims. Any circumstance in which the applicant has amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The fee in the total amount of \$245 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 12869-008001.

Respectfully submitted,

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